



# **HR IN 2020**

## **TRENDS AND COMPLIANCE CHALLENGES**

**PRESENTED TO:**  
**FLORIDA RBMA WINTER RETREAT**

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# Who we are

Consultstu LLC provides fractional HR services to small business, including many medical and dental practices

We follow an 18 point roadmap to comply with evolving workplace rules, improve employee engagement, manage costs and avoid expensive HR mistakes.



# Checklist – January 2020 reminders



## Updates for Florida clients

- New Overtime law (really, its back)
- Review quirky new W4 form (2020)
- Keep using expired I9 form
- Post new 2020 FL Minimum Wage poster (\$8.56) (save \$\$ on posters)
- Handbook review and updates
- Still file Form 1095-C to employees
- Medical offices partially exempt from OSHA recordkeeping (no OSHA 300A)
- Get certified - safety plan and DFWP

# Is there a problem with HR?



- Do employees trust HR?
- Are employees treated like humans?
- Is HR overcomplicated?
- Too involved in office politics?
- Focused on real issues?

# Rising Tide of ADA related litigation

**ADA**  
Americans with  
Disabilities Act

- Over the past several years, health care entities have increasingly become the target of private and government plaintiffs complaining of disability discrimination. A crescendo of litigation has engulfed the health care industry—and most notably of late, “drive-by” litigation attacking the perceived failure of health care entity facilities and websites to accommodate the needs of persons with disabilities consistent with the requirements of the Americans with Disabilities Act (ADA).

<https://www.mintz.com/insights-center/viewpoints/2226/2018-05-rising-tide-ada-litigation-against-health-care-entities>

# Accommodation and Interactive Dialogue



- **Process is Critical.** In January 2020, the Hawaii Medical Services Association agreed to pay \$180,000 to settle an EEOC lawsuit filed because the HMSA decided not to allow intermittent leave as a possible accommodation for employees with disabilities and did not have an interactive dialogue. Employees were forced to work without accommodation or resign.
- **Discuss example**

# Goodbye to Fax machines by 2020?



- At a 2018 IT Conference, CMS Administrator Seema Verma set a goal for digital health information to replace the current use of fax machines in physician offices to send patient information.
- How are we doing?
- <https://www.healthcareitnews.com/news/cms-administrator-seema-verma-calls-end-physician-fax-machines-2020>

## ♥♥ Floridians love Medical Marijuana! ♥♥

- 2019 (209,940 patients) 2020 (306,185)
- 2019 (1,917 qualified physicians) 2020 (2,609)
- 2019 Approved retail dispensing locations (83) 2020 (222)
- 2019 Medical marijuana dispensed - 45,654,490 mgs (weekly)  
2020 (80,000,000 mgs)
- 21,000 ozs for smoking (weekly)
- Trueliever website has a countdown to 420, loyalty program and discounts for various patrons
- \$350/oz = \$7M weekly (for smokable)
- Estimates of \$500M sales in 2018 (est. \$1B in 2019)
- CA cannabis tax rates are 45% to 80% (increased in 2020)
- FL St. 381.986 – “this section does not limit the ability of an employer to establish, continue, or enforce a drug-free workplace program or policy.”



# Gender Discrimination

- The Mercy Medical Center Director of Radiology sued the hospital and 2 colleagues asserting that they did not investigate cases of gender discrimination and harassment **and** paid her less than the male predecessor.
- Alleged that the hospital “permitted” several male officials to “undermine, disrespect and demean” her based on gender, then fired her in retaliation over complaints.
- Employee was issued “right to sue” letter after Iowa Civil Rights Commission closed case.
- **Lessons?**



# HR Trends for 2020



- Permanent flexibility at work
- Move toward more gig workers
- Reviewing and re-skilling jobs
- Data driven decisions
- Finding low cost tech
- Re-evaluating performance reviews
- Healthcare incentives
- Social channels and apps
- Outsourcing
- Family friendly benefits
- Retention
- Pay equity

# “Must do” HR Actions to Protect your Practice in 2020

1. Strengthen your Employee Handbook
2. Write somebody up
3. Make complaint process easier – ethics hotline or independent entity
4. Complete (and document) harassment and EEO training for management
5. Document employee performance reviews
6. Send “you know who” to training
7. Think 2020 – update your oldest procedure
8. Adjust “stop and frisk” to use community policing



# ANY QUESTIONS?

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